

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

WELLINGTON JOHNSON, JR.,

Petitioner,

vs

9:04-CV-751

CALVIN E. WEST,

Respondent.

APPEARANCES:

OF COUNSEL:

WELLINGTON JOHNSON, JR.

Petitioner, Pro Se

01-B-0830

Elmira Correctional Facility

P.O. Box 500

Elmira, NY 14902-0500

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ALYSON J. GILL, ESQ.

LUKE MARTLAND, ESQ.

Asst. Attorney General

DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Wellington Johnson, Jr., brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated January 9, 2007, the Honorable David R. Homer, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied. Petitioner has filed timely objections.

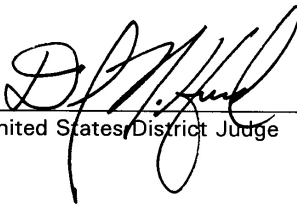
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in its entirety.

IT IS SO ORDERED.

Dated: March 29, 2007
Utica, New York.


United States District Judge